THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 1836 of 2003

Date: 18.07.2007

Between:

M/s. Jase Engineers, rep. by its Proprietor Mr. Vishnu Kumar.

.... PETITIONER

AND

The Divisional Engineer (Operation), APCPDCL, Rajendra Nagar, Ranga Reddy and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 1836 of 2003

Order:

The petitioner is an Industry, which availed the power supply from the respondent-APCPDCL under category-III. In periodical inspection of the service connection of the petitioner, conducted on 23.01.2001, as it was found that the petitioner tampered the meter, the respondent-APCPDCL has proposed to levy the back billing provisionally estimated at Rs.20,704.50 ps commencing from the month of August, 2000 to 23.01.2001, and advised the petitioner to make a representation, if any, to the 1st respondent within 15 days from the date of receipt of the said notice. Thereafter, the petitioner submitted explanations on 02.03.2001 and on 31.03.2001, but the respondent-APCPDCL, without considering the said explanations, and without taking into consideration the report of the M.R.T. Laboratory, which is competent to test the meter, passed the impugned order directing the petitioner to pay the back billing amount of Rs.20,704.50 ps., within 30 days from the date of receipt of that order, failing which the power supply would be disconnected and steps should be taken to recover the amount due. Questioning the said proceedings, the petitioner filed the present writ petition.

2. Pending disposal of the writ petition, this Court granted interim directions directing the petitioner to deposit Rs.10,000/-, and in pursuance of the said direction, the petitioner states that he has deposited the amount.

2. Before passing the impugned order, the respondents issued a show cause notice to the petitioner, and as the petitioner is said to have not submitted his explanation to the show cause notice, the respondents passed the impugned order. Though the

impugned order was passed under the premise that the petitioner did not submit his explanation to the show cause notice, the counter filed by the respondents shows that the petitioner submitted representations on 02.03.2001 and 31.03.2001. Though the petitioner submitted representations, the respondents without considering the same, has passed the impugned order.

Inasmuch as the respondent-APCPDCL, without considering the representations submitted by the petitioner on 02.03.2001 and 31.03.2001, passed the impugned order, the same is liable to be set aside.

3. Accordingly, the Writ Petition is allowed and the impugned order is set aside. The respondents are directed to issue show cause notice calling for the explanation of the petitioner. And upon considering the explanation that may be submitted by the petitioner, the respondents are at liberty to pass appropriate orders in accordance with law. The amount of Rs.10,000/- deposited by the petitioner in pursuance of the interim orders of this Court, shall be given credit to while computing the amounts that may be liable to be paid by the petitioner, and in the event no amount is liable to be paid, the same shall be adjusted against the future bills. No costs.

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N.V. RAMANA, J

Date:18.07.2007.

sj